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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 JACQUELYN CASAREZ,

12 Plaintiff,

13 v.

14 CAROLYN W. COLVIN, Acting
15 Commissioner of Social Security,

16 Defendant.
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Case No. CV 15-03948 JGB (AFM)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE**

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19 This matter came before the Court on the Report and Recommendation of the
20 Magistrate Judge to whom the case was referred. Further, the Court has engaged in
21 a *de novo* review of those portions of the Report to which objections have been
22 made.

23 In Defendant's Objection, the Commissioner raises a number of arguments,
24 most of which were previously briefed and addressed in the Report and
25 Recommendation. One argument that merits some additional discussion deals with
26 the ALJ's rejection of two treating providers' opinions (Dr. Douglas Schave and
27 Julie Addison, therapist). The Commissioner asserts that the ALJ appropriately
28 gave little weight to Dr. Schave's and Ms. Addison's opinions because they relied

1 heavily on Plaintiff's subjective complaints of pain, which the ALJ had properly
2 discredited. (Objection at 3-4, 6-7 (citing *Morgan v. Comm'r of Soc. Sec. Admin.*,
3 169 F.3d 595, 602 (9th Cir. 1999) ("A physician's opinion of disability 'premised
4 to a large extent upon the claimant's own accounts of his symptoms and
5 limitations' may be disregarded where those complaints have been 'properly
6 discounted.'"))). The record, however, does not support this broad assertion. There
7 was evidence of Plaintiff's drug seeking behavior and inconsistencies in Plaintiff's
8 statements regarding her activities, but the record shows that neither Dr. Schave nor
9 Ms. Addison relied "uncritically" on Plaintiff's subjective complaints in forming
10 their opinions. (AR 29.) Rather, they treated and examined Plaintiff on numerous
11 occasions for more than two years and made detailed clinical findings to support
12 their assessments. The ALJ failed to demonstrate how Dr. Schave's and
13 Ms. Addison's opinions were based more heavily on Plaintiff's complaints than
14 their own clinical observations. See *Ryan v. Commissioner of Social Sec.*, 528 F.3d
15 1194, 1199 (9th Cir. 2008). The ALJ's conclusion that Dr. Schave's and Ms.
16 Addison's opinions were predicated primarily on Plaintiff's subjective complaints
17 thus improperly ignored Plaintiff's significant treatment history with these
18 providers.

19 With this addition, the Court accepts the findings and recommendations of
20 the Magistrate Judge.

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22 DATED: July 29, 2016

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25 JESUS G. BERNAL
26 UNITED STATES DISTRICT JUDGE
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